



House of Representatives

General Assembly

File No. 183

February Session, 2012

Substitute House Bill No. 5353

House of Representatives, March 29, 2012

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS AND OTHER ISSUES RELATING TO SPECIAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (8) of subsection (a) of section 10-76d of the
2 2012 supplement to the general statutes is repealed and the following
3 is substituted in lieu thereof (*Effective July 1, 2012*):

4 (8) (A) Each local and regional board of education responsible for
5 providing special education and related services to a child or pupil
6 shall notify the parent or guardian of a child who requires or who may
7 require special education, a pupil if such pupil is an emancipated
8 minor or eighteen years of age or older who requires or who may
9 require special education or a surrogate parent appointed pursuant to
10 section 10-94g, in writing, at least five school days before such board
11 proposes to, or refuses to, initiate or change the child's or pupil's
12 identification, evaluation or educational placement or the provision of
13 a free appropriate public education to the child or pupil.

14 (B) Upon request by a parent, guardian, pupil or surrogate parent,
15 the responsible local or regional board of education shall provide such
16 parent, guardian, pupil or surrogate parent an opportunity to meet
17 with a member of the planning and placement team designated by
18 such board prior to the referral planning and placement team meeting
19 at which the assessments and evaluations of the child or pupil who
20 requires or may require special education is presented to such parent,
21 guardian, pupil or surrogate parent for the first time. Such meeting
22 shall be for the sole purpose of discussing the planning and placement
23 team process and any concerns such parent, guardian, pupil or
24 surrogate parent has regarding the child or pupil who requires or may
25 require special education.

26 (C) Such parent, guardian, pupil or surrogate parent shall be given
27 at least five school days' prior notice of any planning and placement
28 team meeting conducted for such child or pupil and shall have the
29 right to be present at and participate in and to have advisors of such
30 person's own choosing and at such person's own expense to be present
31 at and to participate in all portions of such meeting at which an
32 educational program for such child or pupil is developed, reviewed or
33 revised.

34 (D) Immediately upon the formal identification of any child as a
35 child requiring special education and at each planning and placement
36 team meeting for such child, the responsible local or regional board of
37 education shall inform the parent or guardian of such child or
38 surrogate parent or, in the case of a pupil who is an emancipated
39 minor or eighteen years of age or older, the pupil of (i) the laws
40 relating to special education, [and] (ii) the rights of such parent,
41 guardian, surrogate parent or pupil under such laws and the
42 regulations adopted by the State Board of Education relating to special
43 education, and (iii) any relevant information and resources relating to
44 individualized education programs created by the Department of
45 Education. If such parent, guardian, surrogate parent or pupil does not
46 attend a planning and placement team meeting, the responsible local
47 or regional board of education shall mail such information to such

48 person.

49 (E) Each local and regional board of education shall have in effect at
50 the beginning of each school year an educational program for each
51 child or pupil who has been identified as eligible for special education.

52 [(B)] (F) At each initial planning and placement team meeting for a
53 child or pupil, the responsible local or regional board of education
54 shall inform the parent, guardian, surrogate parent or pupil of the laws
55 relating to physical restraint and seclusion pursuant to chapter 814e
56 and the rights of such parent, guardian, surrogate parent or pupil
57 under such laws and the regulations adopted by the State Board of
58 Education relating to physical restraint and seclusion.

59 (G) Upon request by a parent, guardian, pupil or surrogate parent,
60 the responsible local or regional board of education shall provide the
61 results of the assessments and evaluations used in the determination of
62 eligibility for special education for a child or pupil to such parent,
63 guardian, surrogate parent or pupil at least three school days before
64 the referral planning and placement team meeting at which such
65 results of the assessments and evaluations will be discussed for the
66 first time.

67 Sec. 2. Section 10-145a of the 2012 supplement to the general statutes
68 is repealed and the following is substituted in lieu thereof (*Effective July*
69 *1, 2012*):

70 (a) The State Board of Education may, in accordance with section 10-
71 19 and such regulations and qualifications as it prescribes, issue
72 certificates of qualification to teach, to administer, to supervise or to
73 serve in other positions requiring certification pursuant to regulations
74 adopted by the State Board of Education in any public school in the
75 state and may revoke the same. Any such regulations shall provide
76 that the qualifications to maintain any administrator, supervisor or
77 special service certificate shall incorporate the continuing education
78 provisions of subsection (i) of section 10-145b, as amended by this act.
79 The certificates of qualification issued under this section shall be

80 accepted by boards of education in lieu of any other certificate,
81 provided additional qualifications may be required by a board of
82 education, in which case the state certificate shall be accepted for such
83 subjects as it includes.

84 (b) Any candidate in a program of teacher preparation leading to
85 professional certification shall be encouraged to successfully complete
86 an intergroup relations component of such a program which shall be
87 developed with the participation of both sexes, and persons of various
88 ethnic, cultural and economic backgrounds. Such intergroup relations
89 program shall have the following objectives: (1) The imparting of an
90 appreciation of the contributions to American civilization of the
91 various ethnic, cultural and economic groups composing American
92 society and an understanding of the life styles of such groups; (2) the
93 counteracting of biases, discrimination and prejudices; and (3) the
94 assurance of respect for human diversity and personal rights. The State
95 Board of Education, the Board of Regents for Higher Education, the
96 Commission on Human Rights and Opportunities and the Permanent
97 Commission on the Status of Women shall establish a joint committee
98 composed of members of the four agencies, which shall develop and
99 implement such programs in intergroup relations.

100 (c) Any candidate in a program of teacher preparation leading to
101 professional certification shall be encouraged to complete a (1) health
102 component of such a program, which includes, but need not be limited
103 to, human growth and development, nutrition, first aid, disease
104 prevention and community and consumer health, and (2) mental
105 health component of such a program, which includes, but need not be
106 limited to, youth suicide, child abuse and alcohol and drug abuse.

107 (d) Any candidate in a program of teacher preparation leading to
108 professional certification shall complete a school violence, bullying, as
109 defined in section 10-222d, and suicide prevention and conflict
110 resolution component of such a program.

111 (e) On and after July 1, 1998, any candidate in a program of teacher
112 preparation leading to professional certification shall complete a

113 computer and other information technology skills component of such
114 program, as applied to student learning and classroom instruction,
115 communications and data management.

116 (f) On and after July 1, 2006, any program of teacher preparation
117 leading to professional certification shall include, as part of the
118 curriculum, instruction in literacy skills and processes that reflects
119 current research and best practices in the field of literacy training. Such
120 instruction shall be incorporated into requirements of student major
121 and concentration.

122 (g) On and after July 1, 2006, any program of teacher preparation
123 leading to professional certification shall include, as part of the
124 curriculum, instruction in the concepts of second language learning
125 and second language acquisition and processes that reflects current
126 research and best practices in the field of second language learning and
127 second language acquisition. Such instruction shall be incorporated
128 into requirements of student major and concentration.

129 (h) On and after July 1, 2011, any program of teacher preparation
130 leading to professional certification may permit teaching experience in
131 a nonpublic school, approved by the State Board of Education, and
132 offered through a public or private institution of higher education to
133 count towards the preparation and eligibility requirements for an
134 initial educator certificate, provided such teaching experience is
135 completed as part of a cooperating teacher program, in accordance
136 with the provisions of subsection (d) of section 10-220a.

137 (i) On and after July 1, 2012, any candidate entering a program of
138 teacher preparation leading to professional certification shall be
139 required to complete training in competency areas contained in the
140 professional teaching standards established by the State Board of
141 Education, including, but not limited to, development and
142 characteristics of learners, evidence-based and standards-based
143 instruction, evidence-based classroom and behavior management, and
144 assessment and professional behaviors and responsibilities.

145 (j) On and after July 1, 2012, any program of teacher preparation
146 leading to professional certification shall include, as part of the
147 curriculum, instruction in the implementation of student
148 individualized education programs as it relates to the provision of
149 special education and related services.

150 Sec. 3. Subsection (a) of section 10-220a of the 2012 supplement to
151 the general statutes is repealed and the following is substituted in lieu
152 thereof (*Effective July 1, 2012*):

153 (a) Each local or regional board of education shall provide an in-
154 service training program for its teachers, administrators and pupil
155 personnel who hold the initial educator, provisional educator or
156 professional educator certificate. Such program shall provide such
157 teachers, administrators and pupil personnel with information on (1)
158 the nature and the relationship of drugs, as defined in subdivision (17)
159 of section 21a-240, and alcohol to health and personality development,
160 and procedures for discouraging their abuse, (2) health and mental
161 health risk reduction education which includes, but need not be
162 limited to, the prevention of risk-taking behavior by children and the
163 relationship of such behavior to substance abuse, pregnancy, sexually
164 transmitted diseases, including HIV-infection and AIDS, as defined in
165 section 19a-581, violence, teen dating violence, domestic violence, child
166 abuse and youth suicide, (3) the growth and development of
167 exceptional children, including handicapped and gifted and talented
168 children and children who may require special education, including,
169 but not limited to, children with attention-deficit hyperactivity
170 disorder or learning disabilities, and methods for identifying, planning
171 for and working effectively with special needs children in a regular
172 classroom, including, but not limited to, implementation of student
173 individualized education programs, (4) school violence prevention,
174 conflict resolution, the prevention of and response to youth suicide
175 and the identification and prevention of and response to bullying, as
176 defined in subsection (a) of section 10-222d, except that those boards of
177 education that implement any evidence-based model approach that is
178 approved by the Department of Education and is consistent with

179 subsection (d) of section 10-145a, as amended by this act, subsection (a)
180 of section 10-220a, as amended by this act, sections 10-222d, 10-222g
181 and 10-222h, subsection (g) of section 10-233c and sections 1 and 3 of
182 public act 08-160, shall not be required to provide in-service training
183 on the identification and prevention of and response to bullying, (5)
184 cardiopulmonary resuscitation and other emergency life saving
185 procedures, (6) computer and other information technology as applied
186 to student learning and classroom instruction, communications and
187 data management, (7) the teaching of the language arts, reading and
188 reading readiness for teachers in grades kindergarten to three,
189 inclusive, (8) second language acquisition in districts required to
190 provide a program of bilingual education pursuant to section 10-17f,
191 and (9) the requirements and obligations of a mandated reporter. Each
192 local and regional board of education may allow any paraprofessional
193 or noncertified employee to participate, on a voluntary basis, in any in-
194 service training program provided pursuant to this section. The State
195 Board of Education, within available appropriations and utilizing
196 available materials, shall assist and encourage local and regional
197 boards of education to include: (A) Holocaust and genocide education
198 and awareness; (B) the historical events surrounding the Great Famine
199 in Ireland; (C) African-American history; (D) Puerto Rican history; (E)
200 Native American history; (F) personal financial management; (G)
201 domestic violence and teen dating violence; and (H) topics approved
202 by the state board upon the request of local or regional boards of
203 education as part of in-service training programs pursuant to this
204 subsection.

205 Sec. 4. Subdivision (1) of subsection (i) of section 10-145b of the 2012
206 supplement to the general statutes is repealed and the following is
207 substituted in lieu thereof (*Effective July 1, 2012*):

208 (i) (1) For certified employees of local and regional boards of
209 education or nonpublic schools, except as provided in this subdivision,
210 each professional educator certificate shall be valid for five years and
211 continued every five years thereafter upon the successful completion
212 of professional development activities which shall consist of not less

213 than ninety hours of continuing education, as determined by the
214 employing local or regional board of education or the employing
215 supervisory agent of a nonpublic school approved by the State Board
216 of Education in accordance with this section, or documented
217 completion of a national board certification assessment in the
218 appropriate endorsement area, during each successive five-year
219 period. (A) Such continuing education completed by certified
220 employees with an early childhood nursery through grade three or an
221 elementary endorsement who hold a position requiring such an
222 endorsement shall include at least fifteen hours of training in the
223 teaching of reading and reading readiness and assessment of reading
224 performance, including methods of teaching language skills necessary
225 for reading, reading comprehension skills, phonics and the structure of
226 the English language during each five-year period. (B) Such continuing
227 education requirement completed by certified employees with
228 elementary, middle grades or secondary academic endorsements who
229 hold a position requiring such an endorsement shall include at least
230 fifteen hours of training in the use of computers in the classroom
231 during each five-year period unless such employees are able to
232 demonstrate technology competency, in a manner determined by their
233 local or regional board of education, based on state-wide standards for
234 teacher competency in the use of technology for instructional purposes
235 adopted pursuant to section 4d-85. (C) Such continuing education
236 completed by (i) the superintendent of schools, and (ii) employees
237 employed in positions requiring an intermediate administrator or
238 supervisory certificate, or the equivalent thereof, and whose
239 administrative or supervisory duties equal at least fifty per cent of
240 their assigned time, shall include at least fifteen hours of training in the
241 evaluation of teachers pursuant to section 10-151b during each five-
242 year period. (D) In the case of certified employees with a bilingual
243 education endorsement who hold positions requiring such an
244 endorsement (i) in an elementary school and who do not hold an
245 endorsement in elementary education, such continuing education
246 taken on or after July 1, 1999, shall only count toward the ninety-hour
247 requirement if it is in language arts, reading and mathematics, and (ii)

248 in a middle or secondary school and who do not hold an endorsement
249 in the subject area they teach, such continuing education taken on or
250 after July 1, 1999, shall only count toward the ninety-hour requirement
251 if it is in such subject area or areas. (E) Such professional development
252 for certified employees with an endorsement in special education who
253 hold a position requiring such an endorsement shall include at least
254 ten hours of training in the implementation of student individualized
255 education programs and the communication of individualized
256 education program procedures to parents or guardians of students
257 who require special education and related services. On and after July 1,
258 2011, such continuing education shall be as determined by the local or
259 regional board of education in full consideration of the provisions of
260 this section and the priorities and needs related to student outcomes as
261 determined by the State Board of Education. During each five-year
262 period in which a professional educator certificate is valid, a holder of
263 such certificate who has not completed the ninety hours of continuing
264 education required pursuant to this subdivision, and who has not been
265 employed while holding such certificate by a local or regional board of
266 education for all or part of the five-year period, shall, upon
267 application, be reissued such certificate for five years minus any period
268 of time such holder was employed while holding such certificate by a
269 local or regional board of education, provided there shall be only one
270 such reissuance during each five-year period in which such certificate
271 is valid. A certified employee of a local or regional board of education
272 who is a member of the General Assembly and who has not completed
273 the ninety hours of continuing education required pursuant to this
274 subdivision for continuation of a certificate, upon application, shall be
275 reissued a professional educator certificate for a period of time equal to
276 six months for each year the employee served in the General Assembly
277 during the previous five years. Continuing education hours completed
278 during the previous five years shall be applied toward such ninety-
279 hour requirement which shall be completed during the reissuance
280 period in order for such employee to be eligible to have a certificate
281 continued. The cost of the professional development activities required
282 under this subsection for certified employees of local or regional

283 boards of education shall be shared by the state and local or regional
284 boards of education, except for those activities identified by the State
285 Board of Education as the responsibility of the certificate holder. Each
286 local and regional board of education shall make available, annually, at
287 no cost to its certified employees not fewer than eighteen hours of
288 professional development activities for continuing education credit.
289 Such activities may be made available by a board of education directly,
290 through a regional educational service center or cooperative
291 arrangement with another board of education or through
292 arrangements with any continuing education provider approved by
293 the State Board of Education. Local and regional boards of education
294 shall grant continuing education credit for professional development
295 activities which the certified employees of the board of education are
296 required to attend, professional development activities offered in
297 accordance with the plan developed pursuant to subsection (b) of
298 section 10-220a, or professional development activities which the
299 board may approve for any individual certified employee. Each board
300 of education shall determine the specific professional development
301 activities to be made available with the advice and assistance of the
302 teachers employed by such board, including representatives of the
303 exclusive bargaining unit for such teachers pursuant to section 10-
304 153b, and on and after July 1, 2011, in full consideration of priorities
305 and needs related to student outcomes as determined by the State
306 Board of Education. The time and location for the provision of such
307 activities shall be in accordance with either an agreement between the
308 board of education and the exclusive bargaining unit pursuant to said
309 section 10-153b or, in the absence of such agreement or to the extent
310 such agreement does not provide for the time and location of all such
311 activities, in accordance with a determination by the board of
312 education.

313 Sec. 5. Section 10-184a of the general statutes is repealed and the
314 following is substituted in lieu thereof (*Effective from passage*):

315 (a) The provisions of sections 10-76a to 10-76h, inclusive, as
316 amended by this act, shall not be construed to require any local,

317 regional or state board of education to provide special education
318 programs or services for any child whose parent or guardian has
319 chosen to educate such child in a home or private school in accordance
320 with the provisions of section 10-184 and who refuses to consent to
321 such programs or services.

322 (b) If any such board of education provides special education
323 programs or services for any child whose parent or guardian has
324 chosen to educate such child in a private school in accordance with the
325 provisions of section 10-184, such programs or services shall be in
326 compliance with the Individuals with Disabilities Education Act, 20
327 USC 1400 et seq., as amended from time to time.

328 Sec. 6. Subsections (a) and (b) of section 17a-16a of the 2012
329 supplement to the general statutes are repealed and the following is
330 substituted in lieu thereof (*Effective July 1, 2012*):

331 (a) For purposes of this section:

332 (1) "Child" means (A) any school-aged child, (B) any child ages three
333 to five, inclusive, who has been identified as eligible for special
334 education pursuant to sections 10-76a to 10-76d, inclusive, as amended
335 by this act, or under the Individuals with Disabilities Education Act, 20
336 USC 1400 et seq., as amended from time to time, or (C) any child
337 twenty-seven months to five years of age, inclusive, who has been
338 referred to a planning and placement team to determine eligibility for
339 special education and related services pursuant to sections 10-76a to
340 10-76d, inclusive, as amended by this act, or under said Individuals
341 with Disabilities Education Act, who is placed in out-of-home care by
342 the commissioner pursuant to an order of temporary custody or an
343 order of commitment, in accordance with section 46b-129.

344 (2) "School of origin" means the school that the child is attending at
345 the time the department places the child in out-of-home care or the
346 school the child is attending at the time of any change of out-of-home
347 care, by the commissioner.

348 (3) "Receiving school" means the school that a child is attending
349 following a school placement decision by the department in cases in
350 which remaining in the school of origin is determined not to be in the
351 child's best interests.

352 (4) "School placement decision" means a decision made by the
353 department regarding the school in which the child will attend while
354 the child is in out-of-home care and does not refer to the provision of a
355 free, appropriate public education to children eligible for special
356 education.

357 (5) "Department" means the Department of Children and Families.

358 (6) "Commissioner" means the Commissioner of Children and
359 Families.

360 (7) "Nexus school district" means the school district of a local or
361 regional board of education under whose jurisdiction a child would
362 otherwise be attending school.

363 (b) (1) Whenever a child is placed in out-of-home care by the
364 department pursuant to an emergency order under subsection (e) of
365 section 17a-101g or an order of temporary custody or an order of
366 commitment under section 46b-129, and at any subsequent change in
367 out-of-home care, any such child may, if it is in the best interests of the
368 child, as determined pursuant to subdivision (3) of this subsection,
369 continue to attend his or her school of origin. Such child shall continue
370 to be a resident of the school district in which such school is located
371 during such attendance for purposes of chapters 168 to 170, inclusive,
372 172 and 173. The board of education for the school of origin shall
373 continue to provide free school privileges to the child and any services
374 provided by such board shall be in accordance with the provisions of
375 subdivision (2) of subsection (e) of section 10-76d and section 10-253. If
376 the child continues to attend his or her school of origin following
377 placement in out-of-home care by the department, the local or regional
378 board of education of the school of origin shall not be eligible to
379 receive an excess cost grant pursuant to subdivision (2) of subsection

380 (e) of section 10-76d for the cost of such education, including, but not
381 limited to, tuition and transportation costs. For the fiscal year ending
382 June 30, 2013, and each fiscal year thereafter, an excess cost grant
383 pursuant to subdivision (2) of subsection (e) of section 10-76d shall be
384 available to the nexus school district when the nexus school district
385 pays the child's tuition to the local or regional board of education of
386 the school of origin. If the nexus school district placed the child in a
387 private school or regional educational service center program prior to
388 the child being removed from the home by the department and the
389 child continues to attend such prior placement, the nexus school
390 district, or, if the nexus school district cannot be identified, the town
391 where the child resides, shall be eligible to receive the excess cost grant
392 pursuant to section 10-76g.

393 (2) Every decision by the department to place a child into out-of-
394 home care under the provisions of subsection (e) of section 17a-101g
395 and section 46b-129, and any subsequent change in out-of-home care,
396 shall take into account the appropriateness of the school setting and
397 the proximity to the school of origin.

398 (3) (A) Whenever a child is placed in out-of-home care by the
399 department pursuant to an emergency order under subsection (e) of
400 section 17a-101g or an order of temporary custody or an order of
401 commitment under section 46b-129, and at any subsequent change in
402 out-of-home care, the department shall immediately determine
403 whether it is in the best interests of the child to remain in the school of
404 origin. There shall be a presumption that it is in the child's best
405 interests to remain in the school of origin. The department shall
406 provide written notice of its decision to the parties not later than three
407 business days after the date on which the decision is made. Such notice
408 shall identify the factors that form the basis of the department's
409 decision. Any party may object to the department's decision not later
410 than three business days after receipt of such notice. The child shall
411 remain in the school of origin until the time for objection has passed
412 and until any disagreement is resolved, except as provided in
413 subparagraph (C) of this subdivision. The child shall be transported to

414 the school of origin pursuant to subsection (c) of this section during
415 any such disagreement except as provided in subparagraph (C) of this
416 subdivision. Such disagreements shall be expeditiously resolved. The
417 department shall bear the burden of proof that the school placement
418 decision is in the child's best interests.

419 (B) The school placement decision may be revisited at any time
420 during the child's out-of-home care, if circumstances change, in order
421 to ensure that the school placement decision remains in the best
422 interests of the child. Notice of any subsequent decision to change the
423 child's school placement decision shall be provided in accordance with
424 subparagraph (A) of this subdivision. Any school placement decision
425 made pursuant to this section may be challenged through the dispute
426 resolution process for treatment plans. The child shall remain in the
427 school of origin until any such disagreement is resolved, except as
428 provided in subparagraph (C) of this subdivision and shall be
429 provided with transportation in accordance with subsection (c) of this
430 section.

431 (C) If at any time the department determines that continued
432 placement in the school of origin will jeopardize the child's immediate
433 physical safety, the department may immediately remove the child
434 from the school and shall notify the child's attorney, parents, guardian
435 ad litem and surrogate parent, if any, by phone or by facsimile on the
436 same business day. Any party may object to the decision to change the
437 child's school placement not later than three business days after receipt
438 of such notice. If any party objects to the change in school placement,
439 the department shall hold an administrative hearing not later than
440 three business days after the objection.

441 Sec. 7. Section 10-76ii of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective from passage*):

443 (a) On and after July 1, 2012, a local or regional board of education
444 that is responsible for providing special education and related services
445 to a child, pursuant to section 10-76a, shall provide applied behavior
446 analysis services to any such child with autism spectrum disorder if

447 the individualized education [plan] program or plan pursuant to
448 Section 504 of the Rehabilitation Act of 1973 requires such services. (1)
449 Such services shall be provided by a person who is, subject to the
450 provisions of subsection (b) of this section, (A) licensed by the
451 Department of Public Health or certified by the Department of
452 Education and such services are within the scope of practice of such
453 license or certificate, or (B) certified by the Behavior Analyst
454 Certification Board as a behavior analyst or assistant behavior analyst,
455 provided such assistant behavior analyst is working under the
456 supervision of a certified behavior analyst. (2) A teacher or
457 paraprofessional may implement the individualized education [plan]
458 program or plan pursuant to Section 504 of the Rehabilitation Act of
459 1973 providing for such applied behavior analysis services, provided
460 such teacher or paraprofessional is under the supervision of a person
461 described in subdivision (1) of this subsection. For purposes of this
462 section, "applied behavior analysis" means the design, implementation
463 and evaluation of environmental modifications, using behavioral
464 stimuli and consequences, including the use of direct observation,
465 measurement and functional analysis of the relationship between the
466 environment and behavior, to produce socially significant
467 improvement in human behavior.

468 (b) If the Commissioner of Education determines that there are
469 insufficient certified or licensed personnel available to provide applied
470 behavior analysis services in accordance with the provisions of
471 subsection (a) of this section, the commissioner may authorize the
472 provision of such services by persons who: (1) Hold a bachelor's
473 degree in a related field; (2) have completed (A) a minimum of nine
474 credit hours of coursework from a course sequence approved by the
475 Behavior Analyst Certification Board, or (B) coursework that meets the
476 eligibility requirement to sit for the board certified behavior analyst
477 examination; and (3) are supervised by a board certified behavior
478 analyst.

479 (c) Nothing in this section shall be construed to require the inclusion
480 of applied behavior analysis services in an individualized education

481 [plan] program or plan pursuant to Section 504 of the Rehabilitation
482 Act of 1973.

483 Sec. 8. Subsection (d) of section 10-221a of the 2012 supplement to
484 the general statutes is repealed and the following is substituted in lieu
485 thereof (*Effective from passage*):

486 (d) Commencing with classes graduating in 2020, and for each
487 graduating class thereafter, local and regional boards of education
488 shall provide adequate student support and remedial services for
489 students beginning in grade seven. Such student support and remedial
490 services shall provide alternate means for a student to complete any of
491 the high school graduation requirements or end of the school year
492 examinations described in subsection (c) of this section, if such student
493 is unable to satisfactorily complete any of the required courses or
494 exams. Such student support and remedial services shall include, but
495 not be limited to, (1) allowing students to retake courses in summer
496 school or through an on-line course; (2) allowing students to enroll in a
497 class offered at a constituent unit of the state system of higher
498 education, as defined in section 10a-1, pursuant to subdivision (4) of
499 subsection (g) of this section; (3) allowing students who received a
500 failing score, as determined by the Commissioner of Education, on an
501 end of the school year exam to take an alternate form of the exam; and
502 (4) allowing those students whose individualized education [plans]
503 programs state that such students are eligible for an alternate
504 assessment to demonstrate competency on any of the five core courses
505 through success on such alternate assessment.

506 Sec. 9. Subdivision (2) of subsection (c) of section 17a-16a of the 2012
507 supplement to the general statutes is repealed and the following is
508 substituted in lieu thereof (*Effective from passage*):

509 (2) If it is not in the best interests of the child to attend the school of
510 origin, the department shall work with the board of education for such
511 school of origin and the receiving school to ensure immediate and
512 appropriate enrollment and attendance of the child in the receiving
513 school in accordance with the provisions of subsection (e) of section 10-

514 76d and section 10-253. The educational records of the child shall be
515 provided by the school of origin to the receiving school, in accordance
516 with the federal Fostering Connections to Success and Increasing
517 Adoptions Act of 2008, Public Law 110-351. Upon notification by the
518 department of a decision to change a child's school placement and
519 notwithstanding section 10-220h, the school of origin shall transmit to
520 the receiving school, not later than one business day after receipt of
521 such notification, all essential educational records for the child,
522 including, but not limited to, the child's individualized education
523 [plan] program and behavioral intervention plan, if any, and all
524 documents necessary for the receiving school to determine appropriate
525 class placement and to provide educational services. The school of
526 origin shall transfer nonessential records to the receiving school in
527 accordance with section 10-220h.

528 Sec. 10. Subsection (a) of section 17b-28d of the 2012 supplement to
529 the general statutes is repealed and the following is substituted in lieu
530 thereof (*Effective from passage*):

531 (a) The Commissioner of Social Services, in consultation with the
532 Commissioner of Education, shall submit to the Centers for Medicare
533 and Medicaid Services an amendment to the state Medicaid plan
534 concerning school-based child health services provided to Medicaid
535 enrolled children requiring special education pursuant to an
536 individualized education [plan] program. Such amendment to the
537 Medicaid plan shall maintain and enhance, to the extent permitted,
538 federal financial participation associated with such costs through a
539 service-specific rate method.

540 Sec. 11. (NEW) (*Effective from passage*) The individualized education
541 program for any child identified as deaf or hearing impaired shall
542 include a language and communication plan developed by the
543 planning and placement team for such child. Such language and
544 communication plan shall address: (1) The primary language or mode
545 of communication chosen for the child, (2) opportunities for direct
546 communication with peers and professional personnel in the primary

547 language or mode of communication for the child, (3) educational
 548 options available to the child, (4) the qualifications of teachers and
 549 other professional personnel administering such plan for the child,
 550 including such teacher's or personnel's proficiency in the primary
 551 language or mode of communication for the child, (5) the accessibility
 552 of academic instruction, school services and extracurricular activities
 553 to the child, (6) assistive devices and services for the child, and (7)
 554 communication and physical environment accommodations for the
 555 child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	10-76d(a)(8)
Sec. 2	<i>July 1, 2012</i>	10-145a
Sec. 3	<i>July 1, 2012</i>	10-220a(a)
Sec. 4	<i>July 1, 2012</i>	10-145b(i)(1)
Sec. 5	<i>from passage</i>	10-184a
Sec. 6	<i>July 1, 2012</i>	17a-16a(a) and (b)
Sec. 7	<i>from passage</i>	10-76ii
Sec. 8	<i>from passage</i>	10-221a(d)
Sec. 9	<i>from passage</i>	17a-16a(c)(2)
Sec. 10	<i>from passage</i>	17b-28d(a)
Sec. 11	<i>from passage</i>	New section

Statement of Legislative Commissioners:

Date changed in line 382 from "2012" to "2013" for purposes of internal accuracy with the effective date.

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 13 \$	FY 14 \$
Various Municipalities	STATE MANDATE - Potential Cost	Minimal	Minimal

Explanation

Section 1, which results in the potential for additional opportunities for meetings between the school district officials and parents of students, could potentially result in an additional cost to local and regional school districts. If teachers are required to hold additional meetings with parents, districts would be required to find a substitute teacher for the time that the teacher is not in the classroom. It is unknown to what extent teachers would be meeting during regular school hours and how frequently substitutes would be required. The average daily cost for a substitute teacher ranges from \$85 to \$125.

Sections 2-6 are procedural changes related to teacher certification, training requirements for special education, special education services at private schools, and excess cost grant payment procedures and are not anticipated to result in a fiscal impact.

Sections 7-10 are technical and do not result in a fiscal impact.

Section 11 requires that an individualized education program (IEP) for a child identified as deaf or hearing impaired must include a language and communication plan, and specifies a number of issues

that the plan must address. This is not anticipated to result in an additional fiscal impact, as these requirements are currently contained in the IEP form used by the State Department of Education.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the daily rate of substitute teachers.

OLR BILL ANALYSIS**sHB 5353*****AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS AND OTHER ISSUES RELATING TO SPECIAL EDUCATION.*****SUMMARY:**

This bill makes several changes to the state's special education law. It:

1. requires additional opportunities for meetings and the exchange of information between school district officials and parents of students in, or under evaluation for, special education;
2. requires teacher certification preparation, in-service training, and professional development to include expanded instruction and training regarding implementing individualized education programs (IEPs); and
3. specifies the school district eligible for special education excess cost grant money in different circumstances when a child is placed in a school district other than his or her district of origin.

It also requires any IEP for a child identified as deaf or hearing impaired to include a language and communication plan developed by the child's planning and placement team (PPT). It specifies a number of items that the plan must include. The bill does not appear to expand current requirements under state law and regulation, but it adds specifics to state law.

It also makes technical changes.

EFFECTIVE DATE: July 1, 2012, except for the provisions regarding special education and private schools and the language and

communication plan for deaf and hearing impaired students, which take effect upon passage.

§ 1 — NOTIFICATION AND INFORMATION PRIOR TO PPT MEETING

The bill requires a school district responsible for providing special education to offer to meet with the student's parents, upon the parents' request, after the student has been assessed for possible placement in special education and before the PPT meets. The sole purpose of the meeting is to discuss the PPT process and any concerns the parent has about the student.

The bill specifies that the parents must be given the opportunity to meet with a PPT member designated by the school board before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

The bill also requires school boards, upon the request of parents, to provide them with copies of the assessment and evaluation results used to determine special education eligibility at least three school days before the referral PPT meeting at which the assessments will be first discussed.

The bill requires the school district to provide parents with any State Department of Education (SDE) information and resources relating to IEPs as soon as a child is identified as requiring special education. IEPs are the individual plans that PPTs craft and agree to in order to address the student's special education needs.

These requirements also apply to guardians, emancipated minor pupils, and surrogate parents appointed according to statute.

§§ 2-4 — TEACHER CERTIFICATION AND TRAINING REQUIREMENTS FOR SPECIAL EDUCATION

The bill requires teacher certification preparation, in-service training, and professional development programs to include expanded

instruction and training regarding implementing IEPs. It requires:

1. certification preparation programs to include instruction on implementing IEPs as they relate to special education and related services;
2. districts, as part of required in-service training options for certified personnel, to offer information on implementing student IEPs; and
3. special education teachers, as part of their required 90 hours of professional development every five years, to complete at least 10 hours of training on implementing student IEPs and communicating IEP procedures to parents or guardians of special education students.

§ 5 — SPECIAL EDUCATION AND PRIVATE SCHOOLS

The bill specifies that, if a school district provides special education services to a student whose parents have chosen to send him or her to a private school, the services must comply with the federal Individuals with Disabilities Education Act (IDEA) (see BACKGROUND).

§ 6 — SPECIAL EDUCATION EXCESS COST GRANT

The state provides special education excess cost grants to help local districts pay for special education services if the services' cost exceeds the local share of special education costs. Some special education students are sent to school outside the district where they live if their home district cannot provide them with adequate educational services. In these situations, the district where the student lives is financially responsible for the student's special education and must send special education money to the school district where the student attends school (i.e., the "school of origin").

By law, when DCF places a child in out-of-home care, such as a relative's or foster parent's home, or changes such a placement, the department must determine immediately whether it is in the child's best interest to remain in the school he or she had been attending (i.e.,

the school of origin).

The bill requires that, starting with FY 13, the state special education excess cost grant for the child goes to the financially responsible district (i.e., the “nexus district”), if the school of origin is in a district other than the nexus district and the nexus district pays tuition to the school of origin. The excess cost grant also goes to the nexus district in cases where that district placed the child in a private school or regional education special education facility before DCF removed the child from his or her home and the nexus district continues to pay tuition for the child.

Under the bill, the excess cost grant goes to the district where the student is living if the nexus district cannot be identified (which may be the case when a child is new to Connecticut).

§ 11 — PLAN REQUIREMENTS REGARDING DEAF OR HEARING IMPAIRED STUDENTS

The bill requires any IEP for a child identified as deaf or hearing impaired to include a language and communication plan developed by the child’s PPT.

It requires the plan to address:

1. the child’s primary language or mode of communication;
2. opportunities for direct communication between the child and his or her peers and professional personnel in the primary child’s language or mode of communication;
3. educational options available to the child;
4. the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child’s primary language or mode of communication;
5. the accessibility of academic instruction, school services and extracurricular activities to the child;

6. assistive devices and services for the child; and
7. communication and physical environment accommodations for the child.

These specifics do not appear in current law, but the IEP form SDE issues to conform with state law and regulations and requires districts to use states that the following items are to be considered regarding deaf and hearing impaired children:

1. the child's language and communication needs;
2. opportunities for direct communications with peers and professional personnel in the child's language and communication mode;
3. academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
4. whether the student requires assistive technology devices and services.

BACKGROUND

Federal IDEA

IDEA (20 USC 1400 et seq.) governs special education programs and procedures in states and local school districts, requiring the provision of appropriate educational services to children with disabilities. Connecticut law and regulations must comply with IDEA.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 32 Nay 1 (03/14/2012)